

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIESHIA MARIE JACKSON,

Plaintiff,

v.

FASTENAL COMPANY,

Defendant.

Case No. 1:20-cv-00345-NONE-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY MATTER SHOULD
NOT BE DISMISSED FOR FAILURE TO
COMPLY AND FAILURE TO PROSECUTE

FIVE DAY DEADLINE

On January 21, 2020, Mieshia Marie Jackson (“Plaintiff”), on behalf of herself and all others similarly situated, filed this action in the Stanislaus County Superior Court against Fastenal Company (“Defendant”) alleging violations of California labor law. (ECF No. 1-1.) On March 4, 2020, Defendant removed the action to the Eastern District of California. (ECF No. 1.)

On May 28, 2020, the Court issued a phased scheduling order. (ECF No. 9.) On December 23, 2020, pursuant to the parties’ stipulation, the Court modified the scheduling order and extended the deadline for Plaintiff to file a motion for class certification until September 13, 2021. (ECF No. 11.) The deadline to file the motion for class certification has passed and no motion has been filed nor has Plaintiff requested an extension of time to do so.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all

1 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
2 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
3 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
4 2000).

5 Accordingly, IT IS HEREBY ORDERED that PLAINTIFF SHALL SHOW CAUSE IN
6 WRITING within **five (5) days** of the date of entry of this order why this matter should not be
7 dismissed for failure to comply with the December 23, 2020 order, and failure to prosecute.
8 **Plaintiff is forewarned that the failure to show cause may result in the imposition of**
9 **sanctions, including the dismissal of this action for failure to prosecute.**

10 IT IS SO ORDERED.

11 Dated: **September 22, 2021**

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14 UNITED STATES MAGISTRATE JUDGE
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